

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10494 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

FALGUNI NITIN PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 10494 of 2003
MR RE VARIAVA for Petitioner No. 1
NOTICE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 04/09/2003

ORAL JUDGEMENT

Rule. Shri N.J. Shah appearing for Senior
Standing Counsel for Shri D.N. Patel waives service of
rule.

At the request of the learned advocates, the petition is finally heard today.

2. The grievance of the petitioner is that his place of birth has not been correctly stated in the passport. According to the learned advocate Shri Variava appearing for the petitioner, the petitioner was having his passport which has expired. In the said passport, name of the village, where he was born was not stated. It has been stated by the learned advocate that the petitioner was born in village "Bhadran" which is in Taluka Borsad. Upon expiry of the passport, when the petitioner submitted an application for renewal of the passport, the petitioner brought to the notice of the respondent authority that the name of the village, where he was born had not been stated in the earlier passport and, therefore while issuing a new passport, name of village "Bhadran" should be included in the passport as his place of birth. It is the case of the petitioner that inspite of such a request being made and inspite of the fact that his certificate of birth, which is at annexure-A, was annexed to the passport application, name of place of birth has not been incorporated in the new passport.

3. It has been, therefore, prayed that the respondent - authority be directed to state in the passport that the petitioner was born in village "Bhadran".

4. On the other hand, learned advocate Shri Shah appearing for the respondent - authority has submitted that as per the normal practice, once the passport has been issued to a citizen, no change in the passport is made unless the passport - authority is satisfied with regard to the correctness of the change to be made in the passport. It has been further submitted by him that as name of village "Bhadran" had not been incorporated in the passport at an earlier point of time, the passport authority did not think it proper to incorporate name of village "Bhadran" in the passport.

5. I have heard the learned advocates and have also perused the relevant documents. In my opinion, this is a just case where the respondent - authority should reconsider its decision. Though I do not make any observation on the merits of the case, in my opinion, the respondent - authority should look into the documents and the evidence which might be adduced before it and decide whether the petitioner was born in village Bhadran and if the authority is satisfied, I am sure, the authority will issue a new passport after making necessary change in the

passport.

6. Looking to the facts of the case, it appears that name of the village had not been incorporated in the passport at an earlier point of time due to a mistake of the petitioner and as the respondent authority will have to do the entire exercise only on account of some mistake committed by the petitioner, the petitioner shall pay a sum of Rs.3,000=00 to the respondent authority by way of costs.

In view of the above directions, the petition stands disposed of as allowed. Rule is made absolute to the above extent.

Direct Service is permitted.

[A.R. DAVE, J.]

/phalguni/